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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,797	07/02/2003	Peter Nass	2656	5372

7590 10/05/2005
STRIKER, STRIKER & STENBY
103 East Neck Road
Huntington, NY 11743

EXAMINER

HOLLOWAY III, EDWIN C

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,797

Applicant(s)

NASS ET AL.

Examiner

Edwin C. Holloway, III

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2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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EXAMINER'S RESPONSE

1. In response to the application filed 7-2-03, the application has been examined. The examiner has considered the presentation of claims in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 102 & 103

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Grube (US 5201067).

Grube discloses a mobile telephone 100 that makes a call or temporary telephone connection via antenna 106 to a remote data service 300 to download commands that are transmitted by infrared interface 210/108 to the infrared interface of a device such as a TV, VCR, stereo system or garage door opener. See at least col. 3 line 4 - col. 4 line 65 and col. 5 lines 50-68.

6. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube (US 5201067) as applied above in view of Gutzwiller (Machine Design article: Control Networks for the Home).

Gutzwiller discloses an analogous art home control network controlling and monitoring home heating, hot water, refrigerator and other devices over a Homenet that includes a number of standard media including telephone lines, radio, infrared and other links.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Grube

control of the heating, hot water and refrigerator devices discloses by Gutzwiller for improved energy efficiency and convenience in the home.

7. Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grube (US 5201067) as applied above in view of King (US 6308083).

King discloses a programmable mobile telephone 10 programmed to control devices including a car 15A and garage door opener 15B for advantages such as reduced cost. See cols. 1-2.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Grube a vehicle controlled by the mobile phone in view of King disclosing this for advantages such as reduced cost and is suggested by Grube disclosing control of garage door opener.

8. Claims 6-8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube (US 5201067) as applied above in view of Tillgren (US 6339706).

Grube disclose that the device may be controlled with a radio interface 211 but does not specify Bluetooth.

Tillgren discloses a mobile phone 104 controlling a device over a Bluetooth interface in cols. 3-4. Bluetooth includes

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advantages such as error correction. Controlled devices include motor vehicles. See cols. 3-5.

Regarding claims 7-8, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Grube a Bluetooth interface for communicating from the mobile phone to a device as disclosed in Tillgren for advantages such as error correction. Regarding claims 6 and 12, it further would have been obvious to have included a vehicle such as a passenger car controlled by the mobile phone in view of Tillgren disclosing this as an obvious device to be controlled as an alternative to devices controlled in Grube such a TV, stereo and garage door opener .

9. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube (US 5201067) and Tillgren (US 6339706) as applied above in view of Gutzwiller (Machine Design article: Control Networks for the Home).

Gutzwiller discloses an analogous art home control network controlling and monitoring home heating, hot water, refrigerator and other devices over a Homenet that includes a number of standard media including telephone lines, radio, infrared and other links.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the

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combination applied above control of the heating, hot water and refrigerator devices discloses by Gutzwiller for improved energy efficiency and convenience in the home.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. August (US 5671267) and Borgstahl (US 5909183) disclose remote controls with telephone links.

CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 703-305-3028 or toll free at 866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

Any inquiry of a general nature should be directed to the Technology Center 2600 receptionist at (571) 272-2600.

Prior to July 15, 2005, facsimile submissions may be sent via central fax number (703) 872-9306 to customer service for entry by technical support staff. Questions related to the operation of the facsimile system should be directed to the Electronic Business Center at (866) 217-9197. On July 15, 2005, the Central FAX Number will change to 571-273-8300. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.


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To give customers time to adjust to the new Central FAX Number, faxes sent to the old number (703-872-9306) will be routed to the new number until September 15, 2005. After September 15, 2005, the old number will no longer be in service and 571-273-8300 will be the only facsimile number recognized for "centralized delivery".

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number. Inquiries concerning only hours and location of the Customer Window may be directed to OIPE Customer Service at (703) 308-1202.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068.

EH
10/3/05


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2635